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FIFTY-FOURTH DAY
(Wednesday, April 20, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Joseph Phelps, Highland Park Baptist Church, Austin, offered the invocation as follows:

God! What a world You have given us.
Brimming with promise and weeping with pain.
Help us to know that it's home and it's holy.
Help us to love it like You do. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
April 20, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 382, Relating to the payment by the state of certain expenses arising from the prosecution of an inmate or employee of the department of corrections and from investigation of offenses under Section 39.021, Penal Code.

H.B. 559, Relating to the contents of an appellate record in a criminal case.

H.B. 603, Relating to the destruction of an industrial die, mold, or form.

H.B. 637, Relating to statewide assignment of judges of the statutory probate courts.

H.B. 729, Relating to the limitations period for filing an application for compensation under the Crime Victims Compensation Act.

H.B. 897, Relating to the protection of consumers and regulation of manufactured housing.

H.B. 1064, Relating to the establishment and use of the special nongame and endangered species conservation fund.

H.B. 1426, Relating to structure and operation of lawyer referral services.

H.B. 1474, Relating to the provision of dangerous drugs by licensed physicians who practice in rural areas.

H.B. 1507, Relating to the requirement that a municipal court juror live within the municipality in which the court is established.

H.B. 1848, Relating to authorizing the governing body of any independent school district to sell surplus real property of such district and, additionally, at its option, to issue revenue obligations payable from the proceeds of any such sale.

H.B. 2018, Relating to the administration and provision of drugs by a licensed veterinarian or by a person designated by a licensed veterinarian.

H.B. 2194, Relating to the power of the railroad commission to review and approve, for purposes of the Outer Continental Shelf Lands Act Amendments of 1978 and any other federal authorities, applications for the purchase of natural gas.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Blake submitted the following report for the Committee on Administration:

S.C.R. 65

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 1258

S.B. 1041

S.B. 1040 (Amended)

S.B. 765 (Amended)

C.S.S.B. 388 (Read first time)

C.S.S.B. 106 (Read first time)

Senator Parker submitted the following report for the Committee on Education:

S.B. 809

S.B. 1108

S.B. 1166

C.S.S.B. 1181 (Read first time)

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 563

S.B. 926

S.B. 838

S.B. 881

S.B. 944**C.S.S.B. 1097** (Read first time)**C.S.S.B. 515** (Read first time)

Senator Howard submitted the following report for the Subcommittee on Nominations:

We, your Subcommittee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be Members of the TEXAS BOARD OF CORRECTIONS: Mrs. Deralyn Rifes Davis, Tarrant County; Joseph V. LaMantia, Jr., Hidalgo County; Thomas R. McDade, Harris County.

To be a Member of the TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS: Louis S. Parker, Jr., Travis County.

To be a Member of the RADIATION ADVISORY BOARD: William G. Hendrick, Travis County.

To be a Member of the TEXAS SESQUICENTENNIAL MUSEUM BOARD: Joe Hiram Moore, Travis County.

To be JUDGE, 67th JUDICIAL DISTRICT, TARRANT COUNTY: George Allen Crowley, Tarrant County.

To be JUDGE, 231st JUDICIAL DISTRICT, TARRANT COUNTY: Maryellen Hicks, Tarrant County.

To be a Member of the TEXAS AMUSEMENT MACHINE COMMISSION: Perry Oswin Chrisman, Dallas County.

To be a Member of the STATE BOARD OF BARBER EXAMINERS: Ken K. Gjemre, Dallas County.

To be a Member of the BOARD OF DIRECTORS, BRAZOS RIVER AUTHORITY: Paul H. Harvey, Jr., Hill County.

To be a Member of the ADVISORY COUNCIL ON COMMUNITY AFFAIRS: Simon Casper Cornelius, Victoria County.

To be a Member of the STATE COMMISSION ON JUDICIAL CONDUCT: (Appointed by State Bar of Texas Board) Robert H. Parsley, Harris County.

To be a Member of the TEXAS MINING COUNCIL: Robert Landis Armstrong, Travis County.

To be Members of the TEXAS SURPLUS PROPERTY AGENCY: Jess M. Irwin, Jr., Travis County; Robert Arthur Lansford, Travis County.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Edwards and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1340 by Edwards

Health and Human Resources

Relating to inspections of convalescent homes, nursing homes, and other related institutions.

S.B. 1341 by Edwards Health and Human Resources
Relating to a repeal of the requirement that state agencies adopt a code of conduct for agency employees who inspect and survey health care facilities.

S.B. 1342 by Henderson Economic Development
Relating to metropolitan rapid transit authorities; relating to the issuance by such authorities of commercial revenue obligations and the authorized terms and conditions thereof; relating to the general powers of taxation of such authorities; relating to the rules and regulations of such authorities; and declaring an emergency.

S.B. 1343 by Montford Economic Development
Relating to fraud in a transaction involving real estate or stock in a corporation or joint stock company.

S.B. 1344 by Edwards State Affairs
Relating to the creation of a commission to investigate violations of, and to interpret, state ethics provisions.

S.C.R. 78 by Blake State Affairs
Memorializing Congress to take prompt steps to control the influx of illegal aliens into this country.

S.R. 476 by Harris Economic Development
Memorializing Congress to repeal Section 310(b) of the Tax Equity and Fiscal Responsibility Act of 1982 as it relates to registration of state and local government bonds as a requirement for tax-exempt status on bond interest.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 242, To Committee on State Affairs.

H.B. 706, To Committee on State Affairs.

H.B. 894, To Committee on Finance.

H.B. 1487, To Committee on Economic Development.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas
April 20, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS BOARD OF HEALTH:

For a term to expire February 1, 1989:

DR. MAX M. STETTNER

3302 53rd Street

Lubbock, Texas 79413

(Dr. Stettner is replacing Dr. H. Eugene Brown of Lubbock, Lubbock County, Texas, whose term expired.)

For a term to expire February 1, 1989:

DR. ARTHUR L. RAINES

1600 North Main Street

Cleburne, Texas 76031

(Dr. Raines is replacing Dr. Charles Max Cole, of Dallas, Dallas County, Texas, whose term expired.)

Respectfully submitted,

/s/Mark White
Governor of Texas

NOTICE OF CONSIDERATION OF EXECUTIVE NOMINATIONS

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration Executive nominations to agencies, boards and commissions of the State.

SENATE BILL 326 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 326, Relating to false information given and certain guardianships created that affect a student's eligibility for enrollment in a school or school district.

The bill was read second time and was passed to engrossment.

SENATE BILL 326 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 326** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent: Lyon, Santiesteban, Whitmire.

The bill was read third time and was passed.

SENATE BILL 891 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 891, Relating to a medical services fee at Texas Tech University.

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend **S.B. 891** by adding to Section 109.52 a section (e) and (f) to read as follows:

(e) The decision to levy a medical service fee, the amount of the initial fee, and an increase in the fee must be approved by a majority vote of those students participating in a general election called for that purpose.

(f) The issuance of this fee must meet the provisions as set forth in Section 54.503 of the Texas Education Code.

The amendment was read.

On motion of Senator Montford, the amendment was tabled by the following vote: Yeas 22, Nays 7.

Yeas: Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Brooks, Caperton, Doggett, Mauzy, Santiesteban, Truan.

Absent: Brown, Washington.

The bill was passed to engrossment.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 891 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 891 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Truan.

Absent: Washington.

(Senator Traeger in Chair)

SENATE BILL 958 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 958, Relating to the right of fire and police personnel to engage in certain political activities.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up S.B. 958 for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Howard, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Brown, Harris, Henderson, Jones, Leedom, Sims, Traeger.

Absent: Washington.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Leedom asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 958 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 958 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Howard, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Brown, Harris, Henderson, Jones, Leedom, Washington.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Howard, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Brown, Harris, Henderson, Jones, Leedom, Sims, Traeger.

COMMITTEE SUBSTITUTE SENATE BILL 961 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 961, Relating to the investments of insurers; amending the Insurance Code (Acts 1951, 52nd Leg., Ch. 491) as heretofore amended; and declaring an emergency.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Amend **C.S.S.B. 961** by striking all below the enacting clause and substituting the following:

Section 1. The Insurance Code (Acts 1951, 52nd Leg., Ch. 491), as heretofore amended, is amended by adding a new article to be codified as Article 3.39-1 to read as follows:

Article 3.39-1. Repurchase Agreements.

(a) Subject to the limitations and restrictions contained herein an insurer may make loans to or purchases of securities from a solvent bank, savings and loan association, credit union or securities broker registered under the Securities Exchange Act of 1934 under an agreement (commonly called repurchase agreement), which agreement provides for the purchase by the insurer of securities and which agreement matures in ninety (90) days or less and provides for the repurchase by such entity of the same or similar securities purchased by the insurer provided:

(1) Such loan collateral or securities purchased would otherwise be authorized as investments under Art. 3.39, Part 1, A, 1, Insurance Code, and, provided that the total market value of such securities shall equal or exceed the amount of such loan or purchase when it is made, and

(2) Such loan collateral or securities purchased from any one bank, savings and loan association, credit union, or securities broker may not exceed the greater of five percent (5%) of the insurer's assets or five percent (5%) of the amount of

capital, surplus, and undivided profits of such bank, savings and loan association, credit union or securities broker.

(b) The State Board of Insurance may promulgate reasonable rules, regulation and orders consistent with and implementing the provisions of this Article.

Section 2. The Insurance Code (Acts 1951, 52nd Leg., Ch. 491), as heretofore amended, is amended by adding a new article to be codified as Article 3.39-2 to read as follows:

Article 3.39-2. Risk-Limiting Provisions.

(a) Subject to the rules and regulations promulgated by the State Board of Insurance and the limitations contained in paragraphs (b) and (d) with respect to assets owned by an insurer, an insurer may, for purposes of protecting such assets against the risk of changing asset values or interest rates and for risk reduction only, buy put options or sell call options and terminate the same, buy or sell interest rate futures contracts and options on interest rate futures contracts, or utilize such other instruments or devices as are consistent with this Article and are traded on an established exchange regulated by the Securities and Exchange Commission or the Commodities Futures Trading Corporation.

(b) An insurer may engage in the purchase of put options or sale of call options and terminate such options, only with regard to:

(1) Securities owned by the insurer or

(2) Securities which the insurer may obtain through exercise of warrants, or conversion rights held by the insurer.

(c) Subject to the rules and regulations promulgated by the State Board of Insurance and the limitations contained in paragraph (d) with respect to cash flows reasonably anticipated to be available for investment purposes within the succeeding twelve (12) months, which anticipation cannot exceed an amount equal to 10 percent (10%) of such insurer's admitted assets, an insurer may, for purposes of protecting such cash flows against the risk of changing asset values or interest rates and for risk reduction only, buy or sell interest rate futures contracts and options on interest rate futures contracts, or utilize such other instruments or devices as are consistent with this Article and are traded on an established exchange regulated by the Securities and Exchange Commission or the Commodities Futures Trading Corporation.

(d) An insurer may engage in the practices authorized by this Article only if prior thereto, the Board of Directors of such insurer has adopted a written policy which specifies:

(1) The types of risk-limiting practices approved for such insurer;

(2) The aggregate maximum limits in such instruments, which maximum limits must be reasonably related to the insurer's business needs and its capacity to fulfill its obligations thereunder;

(3) The specific assets or class of assets, or cash flows for which risk-limiting practices may be employed; and

(4) That the insurer's accounting or investment records shall specifically identify the assets or cash flows for which each risk-limiting practice is used.

(e) The State Board of Insurance is hereby authorized to adopt such reasonable rules and regulations, not inconsistent with the provisions of this Article, which prescribe reasonable limits, standards, and guidelines with respect to such risk-limiting devices and plans related thereto.

Section 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and that this Act take effect and be in force from and after its passage and it is so enacted.

The amendment was read and was adopted.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 961 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 961 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

SENATE BILL 752 ON SECOND READING

Senator Uribe asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 752, Relating to the financing of hospital equipment; enacting the Texas Hospital Equipment Financing Act; and declaring an emergency.

There was objection.

Senator Uribe then moved to suspend the regular order of business and take up **S.B. 752** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Blake, Brooks, Brown, Caperton, Glasgow, Harris, Henderson, Kothmann, Montford, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Doggett, Edwards, Farabee, Howard, Jones, Leedom, Lyon, Mauzy, Parker, Sharp.

Absent: McFarland.

The bill was read second time.

Senator Uribe offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 752** as follows:

1. Amend SECTION 17 to read as follows:

“Section 17. Any health related equipment, including any leasehold estate therein, owned by the Financing Council which would otherwise be taxable to the Financing Council under the provisions of the Property Tax Code but for the purposes and non-profit nature of the Financing Council shall be assessed to the participating health care provider using such health related equipment or, if more than one such participating health care provider exists, to such providers in proportion to the value of the rights of such providers to use such health related equipment, all to the same extent and subject to the same exemptions from taxation, if any, as if such health related equipment were owned by such

participating health care provider or providers. Each participating health care provider shall be considered to be the owner of any health related equipment being used by such participating health care provider for the purposes of taxes levied or imposed by this state or any political subdivision of this state. It is hereby declared as a matter of public policy that the Financing Council shall be engaged exclusively in the performance of charitable functions and shall be exempt from all taxation by this state and every municipal corporation and political subdivision hereof. All bonds issued by the Financing Council hereunder, their transfer, the interest thereon, and any profits from the sale or exchange thereof shall at all times be free from taxation by this state or any municipal corporation or political subdivision hereof."

2. Add a new Section 18 to read as follows and renumber the remaining sections:

"Section 18. Chapter 151, Tax Code, is amended by adding a new Section 151.3131 to read as follows:

"Sec. 151.3131. TEXAS HOSPITAL EQUIPMENT FINANCING COUNCIL. There are exempted from the taxes imposed by this chapter the receipts from the sale, lease, or rental of any taxable items to or the storage, use, or other consumption of taxable items by the Texas Hospital Equipment Financing Council if the items are for the exclusive use and benefit of the council. The exemption provided by this section does not apply to an item that is to be leased, sold, or lent by the council."

The amendment was read and was adopted.

Senator Howard offered the following amendment to the bill:

Floor Amendment No. 2

Amend S.B. 752, page 3, line 15, by striking the words "profit or".

The amendment was read and was adopted by the following vote: Yeas 22, Nays 7.

Yeas: Blake, Brooks, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Leedom, Lyon, Mauzy, Parker, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Whitmire, Williams.

Nays: Caperton, Kothmann, Montford, Parmer, Uribe, Vale, Washington.

Absent: Brown, McFarland.

Senator Howard offered the following amendment to the bill:

Floor Amendment No. 3

Amend S.B. 752, page 11, line 31 beginning with the word "Such" and striking the sentence in its entirety.

The amendment was read.

Senator Uribe moved to table the amendment.

The motion to table was lost by the following vote: Yeas 12, Nays 19.

Yeas: Brooks, Caperton, Kothmann, Lyon, Montford, Parmer, Santiesteban, Traeger, Uribe, Washington, Whitmire, Williams.

Nays: Blake, Brown, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Leedom, Mauzy, McFarland, Parker, Sarpalius, Sharp, Sims, Truan, Vale.

Question recurring on adoption of Floor Amendment No. 3, Floor Amendment No. 3 was adopted.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Howard offered the following amendment to the bill:

Floor Amendment No. 4

Amend **S.B. 752**, page 12, by adding a new SECTION 28 as follows below, and re-numbering the subsequent section:

"SECTION 28. The total principal and/or interest bonded indebtedness issued by the financing council under this Act shall at no time exceed the total sum of Fifty Million Dollars (\$50,000,000)."

The amendment was read.

On motion of Senator Uribe, the amendment was tabled by the following vote: Yeas 17, Nays 14.

Yeas: Brooks, Brown, Caperton, Glasgow, Harris, Kothmann, McFarland, Montford, Parmer, Santiesteban, Sims, Traeger, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Doggett, Edwards, Farabee, Henderson, Howard, Jones, Leedom, Lyon, Mauzy, Parker, Sarpalius, Sharp, Truan.

Senator Washington offered the following amendment to the bill:

Floor Amendment No. 5

Amend **S.B. 752** by adding after the last sentence of Section 5(c) of the bill the following sentence:

Appointments to the Hospital Advisory Council shall be made with due regard for the race, creed, sex, religion, and national origin of the appointees and the geographical distribution of the members of the Hospital Advisory Council.

The amendment was read and was adopted.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

Yeas: Brooks, Brown, Caperton, Edwards, Glasgow, Harris, Kothmann, Lyon, Mauzy, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Doggett, Farabee, Henderson, Howard, Jones, Leedom, Parker, Sharp, Truan.

SENATE BILL 1205 ON SECOND READING

Senator Brooks moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1205, Relating to a motor vehicle emissions inspection and maintenance program; amending the Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), by adding Subsections (d), (e), (f), (g), and (h), Section 142.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Harris, Leedom, Sims.

Absent: Truan.

The bill was read second time.

Senator Brooks offered the following committee amendment to the bill:

Amend S.B. 1205 by striking SECTION 1, (h) and substituting the following in lieu thereof:

(h) "A motor vehicle emissions inspection and maintenance program instituted under this Act may be terminated upon discontinuation of federal requirements for such action if the Texas Air Control Board has considered the air quality benefits and has adopted a resolution requesting the Department to terminate the program in any county in which it may have been instituted."

The committee amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Henderson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1205 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1205 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Whitmire, Williams.

Nays: Leedom, Washington.

Absent: Truan.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Howard, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Harris, Henderson, Leedom, Sims.

Absent: Truan.

MESSAGE FROM THE HOUSE

House Chamber
April 20, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

C.S.S.B. 228, Relating to the exemptions from identification requirements for state-owned vehicles. (As substituted)

C.S.S.B. 435, Revising the Texas Mental Health Code. (As substituted)

S.B. 739, Relating to the method of sale and bonus and royalty bids for oil and gas leases on Permanent University Fund lands by the Board for Lease of University Lands.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 1125 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1125, Relating to absences from public schools for religious holy days.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1125 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1125** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.B. 165
S.B. 218
S.B. 275
S.J.R. 20
S.C.R. 76

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of **H.C.R. 96**, the President announced the appointment of the following as a Committee to Escort the Honorable Walter F.

Mondale to the Joint Session: Senators Caperton, Edwards, Mauzy, Truan, Uribe and Washington.

RULE SUSPENDED

On motion of Senator Blake and by unanimous consent, the provision providing for a bill to be laid out twenty-four hours prior to its consideration on the Local and Uncontested Bills Calendar tomorrow was suspended for **H.B. 166**.

RECESS

On motion of Senator Mauzy, the Senate at 12:39 o'clock p.m. took recess until 2:00 o'clock p.m. today and on conclusion of the Joint Session, the Senate agreed to stand recessed until 8:30 o'clock a.m. tomorrow.

AFTER RECESS

The Senate met at 2:00 o'clock p.m. and was called to order by the President.

JOINT SESSION

(To hear address of The Honorable Walter F. Mondale, former Vice-President of the United States)

The President announced that the hour for the Joint Session of the two Houses to hear the address of The Honorable Walter F. Mondale, pursuant to the provisions of **H.C.R. 96**, had arrived.

Accordingly, the Senators present, accompanied by the Secretary of the Senate and the Sergeant-at-Arms, repaired to the Hall of the House of Representatives at 2:00 o'clock p.m.

The President, by invitation of the Speaker of the House, occupied a seat on the Speaker's Rostrum.

The Honorable Walter F. Mondale, accompanied by members of his party, was announced by the Doorkeeper of the House.

Mr. Mondale's party was escorted to the Speaker's Rostrum by Senators Caperton, Edwards, Mauzy, Truan, Uribe and Washington, on the part of the Senate and Representatives Barrientos, E. Barton, Patronella, L. Evans, Berlanga, E. Garcia, Polk, Edwards, Delco, Oliver, Bush, D. Lee, Oliveira, Glossbrenner, Turner, Rudd, Shaw, Wolens, Wilson, Rangel and Denton on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Gib Lewis, Speaker of the House, announced a quorum of the House present and stated the purpose of the Joint Session.

Speaker Lewis introduced The Honorable Buddy Temple, Member of the Railroad Commission and The Honorable Calvin Guest, former Chairman of the Democratic Party of Texas.

Speaker Lewis then presented Senator Uribe who introduced The Honorable Walter F. Mondale.

Mr. Mondale addressed the Joint Session.

MEMORIAL RESOLUTIONS

S.C.R. 79 - By Sims: Memorial resolution for Arthur William Esser.

S.R. 488 - By Truan: Memorial resolution for James F. Tracy, Sr.

S.R. 489 - By Sims: Memorial resolution for Stanley Franklin Lackey.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 136 - (Washington): Directing state agencies to release personnel of the Jewish faith for observance of Rosh Hashanah and Yom Kippur.

H.C.R. 171 - (Williams): Extending congratulations to the San Jacinto Junior College basketball team.

S.R. 479 - By Sharp: Extending welcome to Dr. James R. Sawyers, Capitol Physician for the Day.

S.R. 480 - By Sharp: Extending welcome to Mason Thompson, Honorary Page for the Day.

S.R. 481 - By Sharp: Extending welcome to Kathy Thompson, Honorary Page for the Day.

S.R. 482 - By Sharp: Extending welcome to Danette Lehman, Honorary Page for the Day.

S.R. 483 - By Williams: Extending congratulations to William Thomas "Bill" Shelton.

S.R. 484 - By Santiesteban: Extending welcome to Michele Schultz, Honorary Page for the Day.

S.R. 485 - By Santiesteban: Extending welcome to Mindy Schultz, Honorary Page for the Day.

S.R. 486 - By Santiesteban: Extending welcome to Allen Schultz, Honorary Page for the Day.

S.R. 487 - By Santiesteban: Extending welcome to Donnie Johnson, Honorary Page for the Day.

S.R. 490 - By Brooks, Doggett: Extending welcome to Scott Newton.

RECESS

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 2:31 o'clock p.m. would stand recessed, in accordance with a motion previously adopted in the Senate, until 8:30 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(April 19, 1983)

S.B. 10 (Effective immediately)

S.B. 236 (Effective immediately)

S.B. 249 (Effective immediately)

S.B. 251 (Effective immediately)

S.B. 351 (Effective immediately)

H.B. 1352 (Effective immediately)

Filed Without Signature of Governor
(April 19, 1983)

S.B. 452 (Effective immediately)

S.C.R. 7

S.C.R. 23

S.C.R. 28

Sent to Governor
(April 20, 1983)

S.B. 165
S.B. 218
S.B. 275
S.J.R. 20
S.C.R. 76

FIFTY-FOURTH DAY
(Continued)
(Thursday, April 21, 1983)

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Blake.

MESSAGE FROM THE HOUSE

House Chamber
April 21, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has refused to concur in Senate amendments to **H.J.R. 19** and appoints the following House conference committee: Delco, chairman; Gavin, Berlanga, Messer, Jackson.

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 98**. House conferees: Smith, T., chairman; Millsap, Wilson, Hall, L., Madla.

H.J.R. 24, Proposing a constitutional amendment authorizing the issuance of general obligation bonds to provide financing assistance for the purchase of farm and ranch land.

H.B. 103, Relating to a repeal of the requirement that State agencies adopt a code of conduct for agency employees who inspect and survey health facilities.

H.B. 171, Relating to the elements and punishment of offenses related to oil and gas equipment and the inspection of businesses dealing in used oil and gas equipment.

H.B. 279, Relating to duties and powers of the Texas Commission for the Deaf.

H.B. 675, Relating to use of rest areas.

H.B. 860, Relating to the height restriction on a motor vehicle used to transport seed cotton modules.

H.B. 886, Relating to a dealer's return of farm and industrial equipment to a supplier after the termination of certain franchises.

H.B. 1032, Relating to the regulation of the practice of dentistry, to fees established by the State Board of Dental Examiners, and to compensation for travel expenses incurred by members of that board.

H.B. 1133, Relating to the repeal of the State law requiring that certain businesses maintain and make public certain personal information about their customers.

H.B. 1849, Relating to fraud in a transaction involving real estate or stock in a corporation or joint stock company.

H.B. 1970, Relating to the regulatory and enforcement procedures and authority of the Railroad Commission of Texas.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar.

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended on the bills and resolutions on the Local and Uncontested Bills Calendar so they could be considered on second reading in the order they are listed on the Calendar.

After suspending the regular order by unanimous consent, the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Sponsor, vote on Constitutional Three-Day Rule and final passage indicated after caption of each bill)

S.B. 26 (Mauzy) Relating to students eligible for admission to public schools. (30-1) Washington "Nay" (31-0)

S.B. 62 (Mauzy) Relating to the procedure for verifying voters' signatures on carrier envelopes for absentee ballots voted by mail. (30-1) Washington "Nay" (31-0)

S.B. 148 (Blake) Relating to a revision of the laws concerning county roads and bridges. (30-1) Washington "Nay" (31-0)

Senator Blake offered the following committee amendment to the bill:

Amend S. B. 148 by adding to Chapter 2 a new subchapter to read as follows:

SUBCHAPTER E. ROAD REGULATIONS IN SUBDIVISIONS

Section 2.401. REAL ESTATE SUBDIVISIONS IN COUNTIES OF 190,000 OR MORE POPULATION. (a) In all counties having a population of not less than 190,000, according to the last preceding or any future federal census, the commissioners courts of such counties shall have the authority to require the owner or owners of any tract of land situated outside of the boundaries of any incorporated town or city in such counties, who may hereafter divide the same in two or more parts for the purpose of laying out any subdivision of any such tract of land, or for laying out suburban lots or building lots, and streets, alleys, or parks or other portions intended for public use, or the use of purchasers or owners of lots of any such tract of land, to provide for a right-of-way of not less than 60 feet for any road or street within such subdivision.

(b) The commissioners courts of any such counties shall have the authority to promulgate reasonable specifications to be followed in the construction of any such roads or streets within such subdivisions, which specifications may include provisions for the construction of adequate drainage for such roads or streets.

(c) The commissioners courts of any such counties shall have the authority to require the owner or owners of any such tract of land which may be so subdivided to give a good and sufficient bond for the proper construction and maintenance of such roads and streets, executed by some surety company authorized to do business in this state. Such bond shall be made payable to the county judge or his successors in office, of the county wherein such subdivision lies, and conditioned that the owner or owners of any such tract of land to be subdivided will construct any roads or streets within such subdivision in accordance with the specifications promulgated by the commissioners court of such county and will maintain such roads or streets for a period of one year from the date of the approval by such commissioners court of any map or plat of any such subdivision. The bond shall be in such amount as may be determined by the commissioners court but shall not exceed a sum equal to \$3 for each lineal foot of road or street within such subdivision.

(d) The commissioners courts of any such counties shall have the authority to refuse to approve and authorize any map or plat of any such subdivision unless such map or plat provides for not less than the minimum right-of-way for roads or streets as required in Subsection (a) of this section, and there is submitted with such map or plat a bond as required by Subsection (c) of this section. (V.A.C.S. Art. 2372K.)

Section 2.402. REAL ESTATE SUBDIVISIONS IN COUNTIES OF LESS THAN 190,000 POPULATION. (a) In all counties having a population of less than 190,000 according to the last preceding federal census, every owner of any tract of land situated without the corporate limits of any city in the State of Texas, who may hereafter divide the same in two or more parts for the purpose of laying out any subdivision of any such tract of land, or an addition without the corporate limits of any town or city, or for laying out suburban lots or building lots, and for the purpose of laying out streets, alleys, or parks, or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall cause a plat to be made thereof, which shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part, giving the dimensions of said subdivision or addition and the dimensions of all lots, streets, alleys, parks, or other portions of same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto; provided, however, that no plat of any subdivision of any tract of land or any addition shall be recorded unless the same shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part giving the dimensions thereof of said subdivision or addition and dimensions of all streets, alleys, squares, parks, or other portions of same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

(b) Every such plat shall be duly acknowledged by owners or proprietors of the land, or by some duly authorized agent of said owners or proprietors, in the manner required for acknowledgement of deeds. Subject to the provisions contained in this Act, such plat shall be filed for record and be recorded in the office of the county clerk of the county in which the land lies.

(c) The commissioners courts of any such counties may, by an order duly adopted and entered upon the minutes of the court, after a notice published in a newspaper of general circulation in the county, be specifically authorized to make the following requirements:

(1) to provide for right of way on main artery streets or roads within such subdivision of a width of not less than 50 feet nor more than 100 feet;

(2) to provide for right of way on all other streets or roads in such subdivision of not less than 40 feet nor more than 50 feet;

(3) to provide that the street cut on main arteries within the right of way be not less than 30 feet nor more than 45 feet;

(4) to provide for the street cut on all other streets or roads within such subdivision within the right of way to be not less than 25 feet nor more than 35 feet;

(5) to promulgate reasonable specifications to be followed in the construction of any such roads or streets within such subdivision, considering the amount and kind of travel over said streets;

(6) to promulgate reasonable specifications to provide adequate drainage in accordance with standard engineering practices for all roads or streets in said subdivision or addition;

(7) to require the owner or owners of any such tract of land which may be so subdivided to give a good and sufficient bond for the proper construction of such roads or streets affected, with such sureties as may be approved by the court. In the event a surety bond by a corporate surety is required, such bond shall be executed by a surety company authorized to do business in the State of Texas. Such bond shall be made payable to the county judge or his successors in office, of the county wherein such subdivision lies, and conditioned that the owner or owners of any such tract of land to be subdivided will construct any roads or streets within such subdivision in accordance with the specifications promulgated by the commissioners court of such county. The bond shall be in such an amount as may be determined by the commissioners court not to exceed the estimated cost of constructing such roads or streets.

(d) The commissioners court of any such county shall have the authority to refuse to approve and authorize any map or plat of any such subdivision, unless such map or plat meets the requirements as set forth in this Act, and there is submitted at the time of approval of such map or plat such bond as may be required by this Act. (V.A.C.S. Art. 6626a.)

The committee amendment was read and was adopted.

On motion of Senator Blake and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 336 (Uribe) Relating to the students served, the taxes levied and the educational and training programs conducted by a rehabilitation school district. (30-1) Washington "Nay" (31-0)

S.B. 487 (Sarpalius) Relating to the exemption of certain property from the satisfaction of liabilities. (30-1) Washington "Nay" (31-0)

S.B. 541 (Edwards) Relating to the qualification for a direct payment permit under the Limited Sales, Excise and Use Tax Act. (30-1) Washington "Nay" (31-0)

S.B. 618 (Farabee) Relating to the appointment of the Red River Compact Commissioner of Texas. (30-1) Washington "Nay" (31-0)

S.B. 661 (Sarpalius) Relating to information that a filing officer provides concerning financing and assignment statements under the Business and Commerce Code. (30-1) Washington "Nay" (31-0)

C.S.S.B. 676 (Brown) Relating to requirements for holding a wine and beer retailer's permit and a retail dealer's on-premise license and to consumption of liquor or beer on the premises of a holder of a wine and beer retailer's off-premise permit or a retail dealer's off-premise license. (30-1) Washington "Nay" (31-0)

S.B. 698 (Whitmire) Relating to the administration of children's protective services in Harris County. (30-1) Washington "Nay" (31-0)

S.B. 786 (Vale) Relating to the creation, operation and dissolution of a sheriff's department civil service system in certain counties. (30-1) Washington "Nay" (31-0)

S.B. 858 (Mauzy) Relating to a county elections administrator. (30-1) Washington "Nay" (31-0)

S.B. 940 (Washington) Relating to establishing the limit on the amount of State funds that may be paid for assistance grants to or on behalf of needy dependent children and their caretakers. (30-1) Washington "Nay" (31-0)

C.S.S.B. 946 (Santiesteban) Relating to the subdivision and use of mineral-bearing land. (30-1) Washington "Nay" (31-0)

S.B. 971 (McFarland) Relating to an increase in the student union fee at The University of Texas at Arlington. (30-1) Washington "Nay" (31-0)

S.B. 996 (Farabee) Relating to the maximum liability of a title insurance company. (30-1) Washington "Nay" (31-0)

C.S.S.B. 997 (Doggett) Relating to certain protective orders issued to deter family violence and to criminal penalties for the violation of those orders. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1082 (Caperton) Relating to fees, costs and deposits to be received by the clerks of the Courts of Appeals. (30-1) Washington "Nay" (31-0)

S.B. 1088 (Caperton) Relating to certain veterinary medical malpractice protection provided by The Texas A&M University System. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1102 (Doggett) Relating to establishment of a performing artist's lien. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1104 (Doggett) Relating to the offenses of use and manufacture, sale or distribution of devices used to intercept television transmissions and cable television services. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1140 (Brown) Relating to standards for performance rating and certification of solar energy devices. (30-1) Washington "Nay" (31-0)

S.B. 1144 (Brown) Relating to the transaction of business by the Courts of Appeals for the First and Fourteenth Judicial Districts. (30-1) Washington "Nay" (31-0)

S.B. 1152 (Brown) Relating to the use of firearms by private security officers. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1207 (Brooks) Relating to vacancies on the board of trustees of an independent school district. (30-1) Washington "Nay" (31-0)

S.B. 1208 (Brooks) Relating to issuance of a driver's license to a person from another state and to the renewal of a driver's license by mail. (30-1) Washington "Nay" (31-0)

S.B. 1228 (Mauzy) Relating to conventions of political parties required to nominate candidates by primary election. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1260 (Truan) Relating to the composition, selection and terms of office of members of the Port Commission for the Port of Corpus Christi Authority of Nueces County. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1261 (Truan) Relating to the election and terms of office of the members of the Board of Supervisors of the Willacy County Drainage District No. 1. (30-1) Washington "Nay" (31-0)

S.B. 1267 (Sarpalius) Relating to establishment of a juvenile board in Bailey and Parmer counties. (30-1) Washington "Nay" (31-0)

S.B. 1268 (Sarpalius) Relating to the establishment of a juvenile board for Castro, Hale and Swisher counties. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1269 (Sarpalius) Relating to creation, administration, powers, duties, operations and financing of the Buffalo Lake Water District. (30-1) Washington "Nay" (31-0)

S.B. 1285 (Parker) Relating to the creation of the County Court at Law of Liberty County. (30-1) Washington "Nay" (31-0)

S.B. 1286 (Parker) Relating to the creation of the County Court of Jefferson County at Law No. 3 and to the jurisdiction of and other provisions pertaining to the County Courts of Jefferson County at Law Nos. 1 and 2. (30-1) Washington (31-0)

S.C.R. 59 (Caperton) Granting Shelia A. Jones permission to sue the State of Texas. (vv)

S.C.R. 63 (Truan) Granting Estefana S. Peters permission to sue the State of Texas. (vv)

H.C.R. 43 (Mauzy) Granting Billy Howard permission to sue the State of Texas. (vv)

H.C.R. 49 (Whitmire) Granting Onoray Davis permission to sue the State of Texas. (vv)

H.C.R. 66 (Doggett) Granting Kathleen L. Joki, Warren G. Hamill, Bonny L. Keyes, Gregory L. Gregory, James W. Curry, E. Jack Blanton, Elizabeth A. Pfeil and Catherine E. Wall permission to sue the State of Texas. (vv)

H.C.R. 74 (Jones) Granting permission to Robin M. Orr and Candace D. Orr to sue the State of Texas. (vv)

H.B. 600 (Farabee) Relating to the sale of certain State-owned real property in Grayson County, Texas. (30-1) Washington "Nay" (31-0)

H.B. 687 (Uribe) Relating to the test period for marginal wells. (30-1) Washington "Nay" (31-0)

H.B. 691 (Blake) Relating to the enforcement of certain vehicle weight limitations. (30-1) Washington "Nay" (31-0)

H.B. 1214 (Farabee) Relating to transfer of accumulated contributions of certain members of the Employees Retirement System of Texas. (30-1) Washington "Nay" (31-0)

H.B. 166 (Brooks) Relating to the days on which emergency elections ordered by the Governor may be held and the content of any emergency election proclamation. (30-1) Washington "Nay" (31-0)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 9:03 o'clock a.m. adjourned until 11:00 o'clock a.m. today.